

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

REBECCA DERNOVISH &)	
ALEX WELCH, individually and)	
on behalf of all others similarly)	
situated,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:09-cv-00015-ODS
)	
AT&T OPERATIONS, INC.)	
(f/k/a SBC Operations, Inc., f/k/a)	
Southwestern Bell Communications,)	
Inc.),)	
)	
Defendant.)	

STIPULATION REGARDING PRESERVATION OF INSTANT MESSAGES

Pursuant to Federal Rule of Civil Procedure 29, the parties jointly submit the following stipulation:

1. Pursuant to the order dated January 12, 2010, AT&T Operations, Inc. (“AT&T Operations”) is required to instruct employees not to delete any already-saved instant messages pending further order of the Court.

2. Defendant represents that messages whose content falls within the parameters of Document Request No. 33 in Plaintiffs’ First Request for Production of Documents would have been sent and received only by putative class members, their first line managers, or attendance/FORCE clerks in locations employing putative class members. Based on Defendant’s representation, Plaintiffs agree that the instruction to preserve should be limited to personnel who are currently employed in such capacities (collectively “Preservation Instruction Recipients”).

3. The parties agree that upon their identification, the Preservation Instruction Recipients shall promptly be sent, via email, an instruction in the form set forth in Paragraph 5 below.

4. The parties further agree that upon AT&T Operations' identification of a location as a "call center," AT&T Operations shall promptly cause to be posted in said location a notice including a statement in the form set forth in Paragraph 5 below.

5. The Preservation Instruction that shall be sent via email and posted pursuant to Paragraphs 3 and 4 above shall instruct Recipients as follows: "Until further notice: if you use Q Messenger, do not change your current settings for the archiving of messages and do not delete any messages that you have already saved."

6. This stipulation is not a waiver or concession as to any assertion that any instant messages that may be preserved is relevant.

Respectfully submitted,

s/ Lee R. Anderson

George A. Hanson MO Bar #43450
Richard M. Paul III MO Bar #44233
Lee R. Anderson MO Bar #57890
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112
Tel: 816-714-7100
Fax: 816-714-7101
hanson@stuevesiegel.com
paul@stuevesiegel.com
anderson@stuevesiegel.com

s/Stacy M. Bunck

Patrick F. Hulla
Stacy M. Bunck
Tracey Flexter George
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
4717 Grand Avenue, Suite 300
Kansas City, Missouri 64112
Tel: 816-471-1301
Fax: 816-471-1303
patrick.hulla@ogletreedeakins.com
stacy.bunck@ogletreedeakins.com
tracey.george@ogletreedeakins.com

ATTORNEYS FOR PLAINTIFFS

Danuta Bembenista Panich
Robert F. Seidler,
Christopher C. Murray
All admitted pro hac vice
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
111 Monument Circle, Suite 4600
Indianapolis, Indiana 46204
Tel: 317-916-1300
Fax: 317-916-9076
danuta.panich@ogletreedeakins.com
robert.seidler@ogletreedeakins.com
christopher.murray@ogletreedeakins.com

Bruce A. Ney
SOUTHWESTERN BELL TELEPHONE COMPANY
220 E. Sixth Street, Room 515
Topeka, Kansas 66603-3596
Tel: 785-276-8413
Fax: 785-276-1948
bruce.ney@att.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned certifies that on the 1st day of February, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

George A. Hanson
Richard M. Paul III
Lee Anderson
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, MO 64112
hanson@stuevesiegel.com
paul@stuevesiegel.com
anderson@stuevesiegel.com

s/Stacy M. Bunck
ATTORNEY FOR DEFENDANT